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IDAHO LEGISLATURE

SECOND REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 7, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Broadsword, Gannon, and Siddoway, absent and formally excused by the Chair; and Senators Burkett, Goedde, Langhorst, McGee, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Austin Porter, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Stegner was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 6, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 7, 2008

The JUDICIARY AND RULES Committee reports that **S 1467**, **S 1468**, **S 1469**, **S 1470**, **S 1471**, **S 1472**, and **SCR 134** have been correctly printed.

DARRINGTON, Chairman

S 1467, **S 1468**, **S 1469**, and **S 1471** were referred to the Finance Committee.

S 1470 was referred to the Resources and Environment Committee.

S 1472 was referred to Health and Welfare Committee.

SCR 134 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2008

The JUDICIARY AND RULES Committee reports that **S 1433**, as amended, **S 1435**, as amended, **S 1438**, as amended, **S 1379**, as amended, as amended, and **S 1444**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1433, as amended, **S 1435**, as amended, **S 1438**, as amended, **S 1379**, as amended, as amended, and **S 1444**, as amended, were filed for first reading.

March 6, 2008

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1433**, **S 1435**, **S 1438**, **H 422**, **H 350**, **S 1379**, as amended, **H 528**, **H 470**, and **S 1444** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 6, 2008

The FINANCE Committee reports out **H 572**, **H 573**, and **H 574** with the recommendation that they do pass.

CAMERON, Chairman

H 572, **H 573**, and **H 574** were filed for second reading.

March 6, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 544** and **H 567** with the recommendation that they do pass.

HILL, Chairman

H 544 and **H 567** were filed for second reading.

March 6, 2008

The EDUCATION Committee reports out **H 401** and **H 502** with the recommendation that they do pass.

GOEDDE, Chairman

H 401 and **H 502** were filed for second reading.

March 6, 2008

The TRANSPORTATION Committee reports out **S 1460, H 463, H 526**, as amended, and **H 365**, as amended, with the recommendation that they do pass.

McGEE, Chairman

S 1460, H 463, H 526, as amended, and **H 365**, as amended, were filed for second reading.

March 7, 2008

The FINANCE Committee reports out **S 1467, S 1468, S 1469**, and **S 1471** with the recommendation that they do pass.

CAMERON, Chairman

S 1467, S 1468, S 1469, and **S 1471** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Burkett, Goedde, and McGee were recorded present at this order of business.

March 6, 2008

Mr. President:

I transmit herewith **H 448, H 449, H 450, H 547, H 550, H 589, HCR 48, H 566 H 548, H 553, H 554, H 588**, and **H 587**, which have passed the House.

ALEXANDER, Chief Clerk

H 448, H 449, H 450, H 547, H 550, H 589, HCR 48, H 566 H 548, H 553, H 554, H 588, and **H 587** were filed for first reading.

March 6, 2008

Mr. President:

I return herewith **S 1256**, as amended, **S 1311, S 1269**, and **S 1373**, which have passed the House.

ALEXANDER, Chief Clerk

S 1256, as amended, **S 1311, S 1269**, and **S 1373** were referred to the Judiciary and Rules Committee for enrolling.

March 6, 2008

Mr. President:

I transmit herewith Enrolled **H 353, H 364, H 370, H 375, H 376**, as amended, **H 408**, as amended, **H 414, H 431, H 443, H 469, H 492, H 508, H 538**, and **H 539** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 353, H 364, H 370, H 375, H 376**, as amended, **H 408**, as amended, **H 414, H 431, H 443, H 469, H 492, H 508, H 538**, and **H 539** and ordered them returned to the House.

March 7, 2008

Mr. President:

I return herewith Enrolled **S 1268, S 1318**, as amended, **S 1321**, as amended, **S 1326, S 1327, S 1328, S 1333, S 1334**, and **S 1357**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1268, S 1318**, as amended, **S 1321**, as amended, **S 1326, S 1327, S 1328, S 1333, S 1334**, and **S 1357** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that **SCR 133** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bilyeu, seconded by Senator Little, **SCR 133** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1473

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2009.

S 1474

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2009; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; AND SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION.

S 1475

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE STATE INDEPENDENT LIVING COUNCIL FUND FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1476
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; SETTING CONDITIONS FOR REAPPROPRIATION; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT.

S 1477
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

S 1478
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; TRANSFERRING MONEYS FROM THE LIQUOR CONTROL FUND TO THE LIQUOR WAREHOUSE REMODEL FUND; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

S 1479
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES.

S 1480
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1481
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY FOR SECTION 3 OF THIS ACT.

S 1482
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2009; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1483
BY FINANCE COMMITTEE
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2009; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION FUND AND REQUIRING AN ANNUAL REPORT; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND.

S 1473, S 1474, S 1475, S 1476, S 1477, S 1478, S 1479, S 1480, S 1481, S 1482, and S 1483 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 422, as amended in the Senate, by Environment, Energy, and Technology Committee, was read the first time at length and filed for second reading.

H 350, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 528, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

H 470, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

S 1433, as amended, and **S 1435**, as amended, by State Affairs Committee, were read the first time at length and filed for second reading.

S 1438, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1379, as amended, as amended, by Transportation Committee, was read the first time at length and filed for second reading.

S 1444, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 448, H 449, and H 450, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 547, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 550, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 589, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

HCR 48, by Education Committee, was introduced, read at length, and referred to the Education Committee.

H 566, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 548, by State Affairs Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 553 and **H 554**, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 588, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 587, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 552 and **H 398**, by Education Committee, were read the second time at length and filed for third reading.

H 500, **H 498**, **H 515**, **H 406**, as amended, and **H 473**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

S 1466, by Finance Committee, was read the second time at length and filed for third reading.

H 545, by State Affairs Committee, was read the second time at length and filed for third reading.

H 529, as amended, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Langhorst was recorded present at this order of business.

S 1462 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1462** passed, title was approved, and the bill ordered transmitted to the House.

S 1463 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1463** passed, title was approved, and the bill ordered transmitted to the House.

S 1464 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Stegner, Stennett. Total - 29.

NAYS--Kelly, Sagness (Malepeai), Werk. Total - 3.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1464** passed, title was approved, and the bill ordered transmitted to the House.

S 1450 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schroeder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1450** passed, title was approved, and the bill ordered transmitted to the House.

S 1432 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1432** passed, title was approved, and the bill ordered transmitted to the House.

S 1446 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 31.

NAYS--Burkett. Total - 1.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1446** passed, title was approved, and the bill ordered transmitted to the House.

S 1448 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1448** passed, title was approved, and the bill ordered transmitted to the House.

S 1372, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **S 1372**, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

The President Pro Tempore called Senator Darrington to the Chair.

S 1413, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Sagness (Malepeai), Stegner, Stennett, Werk. Total - 29.

NAYS--Darrington, Richardson, Schroeder. Total - 3.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1413**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 410**, as amended, as amended in the Senate, retained its place on the Third Reading Calendar.

On request by Senator Stegner, granted by unanimous consent, **H 560**, having been held, retained its place on the Third Reading Calendar for one legislative day.

H 570 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 570** passed, title was approved, and the bill ordered returned to the House.

H 571 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 571** passed, title was approved, and the bill ordered returned to the House.

H 418, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 418**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 530 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway.
Total - 3.

Total - 35.

Whereupon the Acting President declared **H 530** passed, title was approved, and the bill ordered returned to the House.

The President Pro Tempore returned to the Chair.

H 423 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk.
Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway.
Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 423** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Little, granted by unanimous consent, **H 410**, as amended, as amended in the Senate, was placed before the Senate for consideration at this time.

H 410, as amended, as amended in the Senate, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk.
Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway.
Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 410**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

The Senate considered the Consent Calendar at this time.

H 454 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk.
Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway.
Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 454** passed, title was approved, and the bill ordered returned to the House.

H 455 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk.
Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway.
Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 455** passed, title was approved, and the bill ordered returned to the House.

H 460 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKague arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 460** passed, title was approved, and the bill ordered returned to the House.

H 490 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 490** passed, title was approved, and the bill ordered returned to the House.

H 452 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 452** passed, title was approved, and the bill ordered returned to the House.

H 453 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 453** passed, title was approved, and the bill ordered returned to the House.

H 354 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Broadsword, Gannon, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 354** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

March 7, 2008

PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, request that the President Pro Tempore waive the provisions of Joint Rule 20 pertaining to the limitation on introduction of proposed constitutional amendments, which would permit the introduction and consideration of **SJR 105** and **SJR 106** to amend the *Constitution* of the State of Idaho by clarifying the limitations on county and municipal indebtedness.

Signed:

/s/ Bart Davis, Majority Leader

/s/ Joe Stegner, Assistant Majority Leader

/s/ Brad Little, Majority Caucus Chairman

SJR 105**BY STATE AFFAIRS COMMITTEE**

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 3C, ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO HOSPITALS AND HEALTH SERVICES TO AUTHORIZE PUBLIC HOSPITALS, ANCILLARY TO THEIR OPERATIONS AND IN FURTHERANCE OF HEALTH CARE NEEDS IN THEIR SERVICE AREAS, TO INCUR INDEBTEDNESS OR LIABILITY TO PURCHASE, CONTRACT, LEASE OR CONSTRUCT OR OTHERWISE ACQUIRE FACILITIES, EQUIPMENT, TECHNOLOGY AND REAL PROPERTY FOR HEALTH CARE OPERATIONS PROVIDED THAT NO AD VALOREM TAX REVENUES SHALL BE USED FOR SUCH ACTIVITIES; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SJR 106**BY STATE AFFAIRS COMMITTEE**

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 3, ARTICLE VIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO LIMITATIONS ON COUNTY AND MUNICIPAL INDEBTEDNESS TO PROVIDE THAT ANY CITY MAY OWN, PURCHASE, CONSTRUCT, EXTEND, OR EQUIP, WITHIN OR WITHOUT THE CORPORATE LIMITS OF THE CITY REVENUE-GENERATING PUBLIC FACILITIES AND TO ALLOW REVENUE BONDS TO BE ISSUED IF APPROVED BY A TWO-THIRDS VOTE OF THE QUALIFIED ELECTORS VOTING ON THE QUESTION AT AN ELECTION AND TO PROVIDE THAT REVENUE DERIVED FROM FEES, RATES AND CHARGES SHALL BE UTILIZED TO PAY PRINCIPAL AND INTEREST ON THE BONDS, TO PROVIDE THAT ANY CITY OR OTHER POLITICAL SUBDIVISION OF THE STATE MAY

OTHERWISE PURCHASE, CONSTRUCT OR REFURBISH WITHIN OR WITHOUT THE CORPORATE LIMITS OF SUCH CITY OR POLITICAL SUBDIVISION, OTHER REVENUE-GENERATING PUBLIC FACILITIES, TO ALLOW REVENUE BONDS TO BE ISSUED FOR THESE FACILITIES IF APPROVED BY A MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE QUESTION AT AN ELECTION AND TO PROVIDE THAT FEES, RATES AND CHARGES SHALL BE UTILIZED TO PAY THE PRINCIPAL AND INTEREST ON THE BONDS AND TO PROVIDE THAT SO LONG AS NO TAX REVENUE IS TO BE OBLIGATED FOR REPAYMENT, INDEBTEDNESS OR LIABILITIES MAY BE INCURRED BY OWNERS OR OPERATORS OF PUBLIC HOSPITALS WITHOUT THE NECESSITY OF VOTER APPROVAL TO ALLOW THE PURCHASE, CONTRACT, LEASE, CONSTRUCTION OR OTHER MANNER OF ACQUISITION OF FACILITIES, EQUIPMENT, TECHNOLOGY AND REAL PROPERTY FOR HEALTH CARE OPERATIONS, PROVIDED FURTHER, THAT MULTIYEAR CONTRACTS FOR GOODS, SERVICES, PURCHASE OF CAPACITY OR OUTPUT OR LEASEHOLD INTERESTS SHALL NOT CONSTITUTE INDEBTEDNESS OR LIABILITIES LIMITED BY THIS SECTION OF THE CONSTITUTION IF THEY DO NOT EXTEND BEYOND A DURATION OF FIVE YEARS OR IF THEY CONSTITUTE CONTRACTS FOR GOODS, SERVICES, CAPACITY, OUTPUT OR LEASEHOLD INTERESTS TO BE PAID FOR SOLELY BY USER FEES, RATES AND CHARGES, OR THEY ALLOW AN OPPORTUNITY FOR TERMINATION BY BUDGETARY DECISION IN THE SOLE DISCRETION OF THE PUBLIC AGENCY NO LESS FREQUENTLY THAN ANNUALLY; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SJR 105 and **SJR 106** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Monday, March 10, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary